

The Examiner has required restriction to one of the following inventions:

Group I. Claims 1-8 and 14-21, drawn to a breath gas analyzer and method that identifies a transition between inhalation and exhalation.

Group II. Claims 9-13, drawn to a method of capturing and analyzing an end-tidal portion of breath.

Claims 22-30 link(s) inventions I and II.

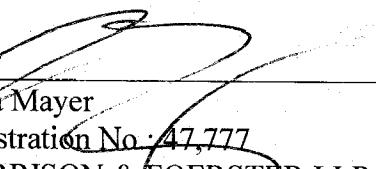
Applicants hereby elect Group II (claims 9-13) without traverse. Applicants expressly reserve his/her right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

Applicants request examination of the elected subject matter on the merits.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **643132000200**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: November 2, 2010

Respectfully submitted,

By: 

Mika Mayer

Registration No. 47,777

MORRISON & FOERSTER LLP

755 Page Mill Road

Palo Alto, California 94304-1018

(650) 813-4298